

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1

MUMBAI

Present

Smt. Pranita Mohanty
Presiding Officer

REFERENCE NO.CGIT-1/09 OF 2016

Parties: Employers in relation to the management of
Indian Institute of Capital Markets

And

Their workmen

Appearances:

For the first party no.1 Management: Absent.

For the second party workman : Absent.

State : Maharashtra

Mumbai, dated the 07th day of September, 2022

AWARD

1. The present reference has been made by the Central Government by its order dated 24/28/8/2015 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947. The terms of reference as per the schedule to the said order are as under:

(1) *"Whether the establishment of UTI-ICM known as Indian Institute of Capital Markets (IICM) and M/s. National Institute of Securities Markets (NISM) are industry considering the systematic activities carried out by the said*

establishment is an industry under the definition of Section 2(j) of I.D.Act 1947?

- (2) *If so, whether the action of the management in discontinuing certain facilities extended to the workmen on various occasions viz. DA, Medical OPD, Transport Allowance, Sodexo Coupons, Conveyance, HRA, Leave Fare concession, Book Allowances, Children Education Allowance, Reimbursement of Hospitalization Charges etc. vide administrative circular No. 109 of 2010-11 dated 07.02.2010, administrative circular No. 123 of 2013-14 dated 12.09.2013, administrative circular No.111 of 2012-13 dated 16.04.2012 and administrative circular No. 122 of 2013-14 dated 12.09.2013 without compliance of Section 9A of I.D.Act 1947 is just & proper? If not, what relief to the workmen concerned?*
- (3) *Further, whether the action of the management of M/s UTI-(IICM) in issuing administrative circular No. 140 of 2014-15 dated 02.03.2015 addressed to all the employees during the pendency of conciliation proceedings, intimating the decision of the Governing Council of IICM to amalgamate IICM with NISM after closing hours on 31.03.2015 and indirectly discontinuing the services of all the existing employees and notified that they will automatically become employees of NISM, who will be offering employment to the said employees on contractual basis and on suitability basis is just and proper and whether such action of the management is amounting to illegal termination of services of all the workmen of IICM? If so, what relief to the workmen concerned?*
- (4) *By the order dated 22.9.2016, notices were directed to be issued to the parties. Accordingly, notices were issued to the parties by Registered Post AD.*
- (5) *Notices issued to the first party / Management as well as the second party / Union were duly served on the respective parties. Acknowledgement cards were received back.*

- (6) Perusal of the record reveals that neither the first party management nor the second party union were present before this Tribunal for filing the statement of claim till date.
- (7) The case is taken up today. None is present for the first party management and none is present for the second party union.
- (8) No Statement of Claim has been filed on behalf of the second party / Union.
- (9) From the above narration of facts, it is evident that despite repeated dates having been fixed, none has appeared on behalf of the first party management and second party/Union. No Statement of Claim has been filed on behalf of the second party / Union. There is thus, no pleading or evidence filed on behalf of the second party / Union in support of its claim as contained in the Reference made to this Tribunal. No relief, therefore, can be granted to the second party / Union.
- (10) Reference is consequently answered by stating that no relief can be granted to the second party / Union.
- (11) Award is passed accordingly.

PRESIDING OFFICER
CGIT-1, MUMBAI